

HOUSE No. 4232**The Commonwealth of Massachusetts**

PRESENTED BY:

Cleon H. Turner

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to establish licensing requirements and protections for certain cottage communities.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Cleon H. Turner	1st Barnstable
David L. Flynn	8th Plymouth
James E. Vallee	10th Norfolk
Steven C. Panagiotakos	First Middlesex
George N. Peterson, Jr.	9th Worcester
James B. Eldridge	Middlesex and Worcester
Stephen Kulik	1st Franklin
James Arciero	2nd Middlesex
Karyn E. Polito	11th Worcester
Jennifer M. Callahan	18th Worcester
Robert A. O'Leary	Cape and Islands
Stephen M. Brewer	Worcester, Hampden, Hampshire and Franklin
Michael F. Rush	10th Suffolk
John P. Fresolo	16th Worcester
Sarah K. Peake	4th Barnstable
John V. Fernandes	10th Worcester
Martin J. Walsh	13th Suffolk
Elizabeth Poirier	14th Bristol
Robert P. Spellane	13th Worcester

Scott P. Brown	Norfolk, Bristol and Middlesex
Rosemary Sandlin	3rd Hampden
Angelo J. Puppolo, Jr.	12th Hampden
Richard T. Moore	Worcester and Norfolk
Marc R. Pacheco	First Plymouth and Bristol
Michael W. Morrissey	Norfolk and Plymouth
Thomas P. Kennedy	Second Plymouth and Bristol
Walter F. Timilty	7th Norfolk

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

An Act to establish licensing requirements and protections for certain cottage communities.

Whereas, The deferred operation for this act would tend to defeat its purpose, which is forthwith to make to establish licensing requirements and protections for certain cottage communities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 32A of chapter 140 of the General Laws, as appearing in the 2006 official
2 edition, is hereby amended as follows:

3 By striking out, in line 3, the word “or” after “motel” and before “manufactured” and
4 inserting in place thereof “,”; and

5 By adding, in line 3, the words “or cottage community” after “manufactured housing
6 community” and before “unless”.

7
8 SECTION 2. Section 32B of chapter 140 of the General Laws, as appearing in the 2006 official
9 edition, is hereby amended as follows:

10 By striking out, in line 5, the word “or” after “motels” and before “manufactured” and
11 inserting in place thereof “,”;

12 By adding, in line 5, the words “or cottage communities” after “manufactured housing
13 communities” and before “located”;

14 By adding, in line 10, the words “cottage community” after “housing community or” and
15 before or “, if the”; and

16 By adding, in line 12, the words “or cottage community” after “manufactured housing
17 community” and before “, together”.

18
19 SECTION 3. Section 32C of chapter 140 of the General Laws, as appearing in the 2006 official
20 edition, is hereby amended as follows:

21 By adding, in line 2, the words “, cottage communities” after “manufactured housing
22 communities” and before “and cabins”; and

23 By adding, in line 4, the words “, cottage community” after “manufactured housing
24 community” and before “or cabin”.

25
26 SECTION 4. Section 32D of chapter 140 of the General Laws, as appearing in the 2006 official
27 edition, is hereby amended as follows:

28 By adding, in line 2, the words “, cottage community” after “manufactured housing
29 community” and before “or cabin licensed”; and

30 By adding, in line 4, the words “, cottage community” after “manufactured housing
31 community” and before “or cabin”.

32
33 SECTION 5. Section 32E of chapter 140 of the General Laws, as appearing in the 2006 official
34 edition, is hereby amended by adding, in line 6, the words “or cottage community” after
35 “housing community” and before “subject to”.

36
37 SECTION 6. Section 32F of chapter 140 of the General Laws, as appearing in the 2006 official
38 edition, is hereby amended as follows:

39 By adding after the first sentence, in line 5, the following words “Any lot or tract of land
40 upon which three or more cottages for year round or seasonal dwelling purposes are located,
41 including any buildings, structures, fixtures and equipment used in connection with the cottages,
42 where the cottages are owned separately from the underlying lot or tract of land shall be defined
43 as a cottage community.”;

44 By adding, in line 6, the words “, or cottage community” after “community” and before
45 “unless the owner”;

46 By adding, in line 9, the words “, or cottage community” after “manufactured housing
47 community” and, in line 10, before “, send a copy”;

48 By adding, in line 13, the words “or cottages” after “homes” and before “to
49 accommodate”; and

50 By adding, in line 17, the words “or cottages” after “homes” and before “to
51 accommodate”; and

52 By adding, in line 18, the words “or a cottage community” after “manufactured housing
53 community” and before “.”.

54
55 SECTION 7 Section 32G of chapter 140 of the General Laws, as appearing in the 2006 official
56 edition, is hereby amended as follows:

57 By adding, in line 2, the words “or cottage community” after “manufactured housing
58 community” and before “owner or operator”;

59 By adding, in line 5, the words “or cottage” after “each manufactured home” and before
60 “, occupying space”;

61 By adding, in line 6, the words “or cottage community” after “manufactured housing
62 community” and before “; provided, however,”;

63 By adding, in line 11, the words “or cottage community” after “housing community” and
64 before “operator from”;

65 By adding, in line 12, the words “or cottage” after “manufactured home” and before
66 “occupying space”;

67 By adding, in line 12, the words “or cottage community” after “manufactured housing
68 community” and, in line 13, before “at the end of each month;

69 By adding, in line 15, the words “or cottage community” after “manufactured housing
70 community” and before “is located not later than”;

71 By adding, in line 16, the words “or cottage community” after “manufactured housing
72 community” and before “operator”;

73 By adding, in line 19, the words “or cottage” after “manufactured home” and before
74 “occupying”;

By adding, in line 21, the words “or cottages” after “manufactured homes” and before “and the home”;

By adding, in line 21, the words “or cottage” after “the home” and before “owners or”;

By adding, in line 26, the words “or cottage community” after “manufactured housing community” and before “is located for collection.”;

By adding, in line 32, the words “or cottage” after “manufactured home” and before “subject to”; and

By adding, in line 38, the words “or cottage community” after “manufactured housing community” and before “operator”;

By adding, in line 46, the words “or cottage community” after “manufactured housing community” and before “, nor shall any such”; and

By adding, in line 49, the words “or cottage” after “home” and before “which is deemed”.

SECTION 8. Section 32H of chapter 140 of the General Laws, as appearing in the 2006 official edition, is hereby amended as follows:

By adding, in line 2, the words “or cottage community” after “manufactured housing community” and before “which has not been equipped”;

By adding, in line 4, the words “or cottage community” after “manufactured housing community” and before “shall file”;

By adding, in line 10, the words “or cottage community” after “community” and before “license upon the condition”; and

By adding, in line 12, the words “or cottage community” after “manufactured housing community” and, in line 13, before “will be in compliance”.

SECTION 9. Section 32I of chapter 140 of the General Laws, as appearing in the 2006 official edition, is hereby amended as follows:

By adding, in line 2, the words “or cottage community” after “community” and before “shall keep or cause”;

By adding, in line 4, the word “, cottage” after “manufactured home” and before “or motor”; and

By adding, in line 7, the word “, cottage” after “manufactured home” and before “or motor.”

SECTION 10. Section 32J of chapter 140 of the General Laws, as appearing in the 2006 official edition, is hereby amended as follows:

By adding, in line 1, the words “or cottage” after “If the manufactured home” and before

111 “owner or person”;

112 By adding, in line 2, the words “or cottage” after “manufactured home” and before “site
113 in a”;

114 By adding, in line 3, the words “or cottage community” after “housing community” and
115 before “without right,”;

116 By adding, in line 5, the words “or cottage” after “manufactured home” and before “site
117 may recover”;

118 By adding, in line 8, the words “or cottage community” after “community” and before “,
119 however created,”;

120 By adding, in line 10, the words “or cottage site in a cottage community” after
121 “community” and before “, may be terminated”;

122 By adding, in line 11, the words “or cottage site” after “home site” and before “or his
123 agent”;

124 By adding in subparagraph (2), in line 14, the words “or cottage community” after
125 “manufactured housing community” and before “;”;

126 By adding in subparagraph (3), in line 16, the words “or cottage community” after
127 “manufactured housing community” and before “residents”;

128 By adding in subparagraph (4), in line 19, the words “or cottage community” after
129 “community” and before “subject to any existing”;

130 By adding in subparagraph (4), in line 21, the words “or cottage community” after
131 “community” and before “.”;

132 By adding in subparagraph (4), in line 21, the words “or cottage” after “manufactured
133 home” and, in line 22, before “sold the licensee”;

134 By adding in subparagraph (4), in line 22, the words “or cottage” after “manufactured
135 home” and before “site was made”;

136 By adding in subparagraph (1), in line 29, the words “or cottage community” after
137 “manufactured housing community” and before “licensee has given”;

138 By adding in subparagraph (1), in line 32, the words “or cottage community” after
139 “community” and before “resident”;

140 By adding in subparagraph (2), in line 36, the words “or cottage” after “manufactured
141 home” and before “resident”;

142 By adding, in line 46, the words “or cottage community” after “housing community” and
143 before “tenant, such tenancy”;

144 By adding, in line 51, the words “or cottage community” after “community” and before
145 “shall have”;

146 By adding, in line 52, the words “or cottage” after “resident’s manufactured home” and
147 before “, subject to the terms”;

148 By adding, in line 55, the words “or cottage” after “home” and before “and lot”;

149 By adding, in line 58, the words “or cottage” after “manufactured home” and before
150 “remains on the lot”; and

151 By adding, in line 59, the words “or cottage community” after “manufactured housing
152 community” and before “shall have a lien”.

153
154 SECTION 11. Section 32L of chapter 140 of the General Laws, as appearing in the 2006 official
155 edition, is hereby amended as follows:

156 By adding in the title the words “and cottage communities” after “manufactured housing

communities”

By adding, in line 2, the words “and cottage communities” after “manufactured housing communities” and before “.”;

By adding in subparagraph (1), in line 3, the words “or cottage community” after “A manufactured housing community” and before “licensee”;

By adding in subparagraph (1), in line 4, the words “or cottage” after “manufactured home” and before “site”;

By adding in subparagraph (2), in line 7, the words “or cottage” after “manufactured home” and before “residents”;

By adding in subparagraph (3), in line 9, the words “or cottage community” after “manufactured housing community” and before “owner, directly”;

By adding in subparagraph (3), in line 10, the words “or cottages” after “manufactured homes” and before “, shall not impose”;

By adding in subparagraph (3), in line 12, the words “, cottage dealer or real estate broker” after “home dealer” and before “unless the”;

By adding in subparagraph (3), in line 13, the words “or cottage” after “the home” and before “is to be placed”;

By adding in subparagraph (3), in line 14, the words “or cottage community” after “A manufactured housing community” and before “owner”;

By adding in subparagraph (3), in line 17, the words “or cottage” after “manufactured home” and before “lot,”;

By adding in subparagraph (3), in line 23, the words “or cottage community” after “manufactured housing community” and before “licensee may impose”;

By adding in subparagraph (3A), in line 27, the words “or cottage community owner” after “housing community owner” and before “shall refuse”;

By adding in subparagraph (3A), in line 28, the words “or cottage” after “manufactured home” and before “located in”;

By adding in subparagraph (3A), in line 29, the words “or cottage community owner” after “manufactured housing community owner” and before “has not sold”;

By adding in subparagraph (3A), in line 30, the words “or cottages” after “manufactured homes” and before “as there are sites.”;

By adding in subparagraph (4), in line 31, the words “or cottage community” after “A manufactured housing community” and before “licensee shall not”;

By adding in subparagraph (4), in line 33, the words “or cottage” after “manufactured home” and before “located in”;

By adding in subparagraph (4), in line 34, the words “or cottage community” after “community” and before “.”;

By adding in subparagraph (4), in line 34, the words “or cottage” after “such a home” and, in line 35, before “, contract with”;

By adding in subparagraph (4), in line 35, the words “or cottage community” after “manufactured home” and before “owner to sell”;

By adding in subparagraph (4), in line 35, the words “or cottage” after “the home” and before “for a fee”;

By adding in subparagraph (4), in line 36, the words “or cottage” after “price of such home” and before “.”.

By adding in subparagraph (5), in line 37, the words “or cottage community” after

“manufactured housing community” and before “owner promulgates”;

By adding in subparagraph (5), in line 39, the words “or a cottage site in a cottage community” after “manufactured housing community” and before “, a new copy of”;

By adding in subparagraph (5), in line 44, the words “or cottage community” after “manufactured housing community” and before “resident”;

By adding in subparagraph (5), in line 48, the words “or cottage community” after “manufactured housing community” and before “licensee”;

By adding in subparagraph (5), in line 55, the words “or cottage community” after “community” and before “licensee”;

By adding in subparagraph (7A), in line 70, the words “or cottage community” after “manufactured housing community” and before “licensee”;

By adding in subparagraph (7A), in line 73, the words “or cottage colonies” after “manufactured housing communities” and before “within”;

By adding in subparagraph (7A), in line 75, the words “or cottage sites” after “manufactured home sites” and before “are available”;

By adding in subparagraph (7A), in line 77, the words “or colony” after “community” and before “all of the information”;

By adding in subparagraph (7A), in line 81, the words “or cottage community” after “manufactured housing community” and, in line 82, before “owner shall pay”;

By adding in subparagraph (7A), in line 84, the words “or cottage” after “manufactured home” and before “.”;

By adding in subparagraph (7A), in line 91, the words “or cottage” after “manufactured home” and before “shall be”;

By adding in subparagraph (7A), in line 104, the words “or cottage community” after “housing community” and before “, with all hook-ups”;

By adding in subparagraph (7A), in line 125, the words “or cottage community” after “housing community” and before “owner shall”;

By adding in subparagraph (8), in line 147, the words “or cottage community” after “A manufactured housing community” and before “owner shall”;

By adding in subparagraph (8), in line 149, the words “or cottage community” after “housing community” and before “tenant,”;

By adding in subparagraph (8), in line 158, the words “or cottage community” after “, the housing community” and, in line 159, before “owner shall give”;

By adding in subparagraph (8), in line 159, the words “or cottage community” after “manufactured housing community” and before “tenant”;

By adding in subparagraph (8), in line 161, the words “or cottage community” after “manufactured housing community” and before “owner’s determination”; and

By adding in subparagraph (9), in line 165, the words “or cottage” after “The manufactured housing community” and before “owner shall”.

SECTION 12. Section 32M of chapter 140 of the General Laws, as appearing in the 2006 official edition, is hereby amended as follows:

By adding in the title the words “or cottage” after “manufactured home” and before “located in licensed community”

By adding, in line 1, the words “or cottage” after “manufactured home” and, in line 2, before “located on a lot”;

249 By adding, in line 2, the words “or cottage community” after “manufactured housing
250 community” and before “and which is not”; and

251 By adding, in line 3, the words “or cottage community” after “manufactured housing
252 community” and before “licensee”.

253
254 SECTION 13. Section 32N of chapter 140 of the General Laws, as appearing in the 2006
255 official edition, is hereby amended as follows:

256 By adding, in line 1, the words “or cottage community” after “Any manufactured housing
257 community” and before “licensee”;

258 By adding, in line 3, “or cottage community” after “housing community” and before
259 “resident or group”;

260 By adding, in line 6, “or cottage community” after “manufactured housing community”
261 and before “is located,”;

262 By adding, in line 10 “or cottage community” after “manufactured housing community”
263 and, in line 11, before “resident or group of residents”;

264 By adding, in line 14, “or cottage community” after “manufactured housing community”
265 and before “resident or group of residents”;

266 By adding, in line 18, “or cottage community” after “community” and before “resident or
267 group of residents”; and

268 By adding, in line 20, “or cottage community” after “manufactured housing community”
269 and before “resident or group of residents”.

270
271 SECTION 14. Section 32O of chapter 140 of the General Laws, as appearing in the 2006
272 official edition, is hereby amended by adding, in line 5, the words “or cottage community” after
273 “manufactured housing community” and before “of the”.

274
275 SECTION 15. Section 32P of chapter 140 of the General Laws, as appearing in the 2006 official
276 edition, is hereby amended as follows:

277 By adding, in line 2, the words “or cottage community” after “manufactured housing
278 community” and before “owner to any”;

279 By adding, in line 3, the words “or cottage community” after “manufactured housing
280 community” and before “resident at a reasonable”;

281 By adding, in line 4, the words “or cottage” after “manufactured home” and before “lot.”;

282 By adding, in line 7, the words “or cottage community” after “manufactured housing
283 community” and before “, and the rules”;

284 By adding, in line 8, the words “or cottage lot” after “manufactured home lot” and before
285 “and community.”;

286 By adding, in line 12, the words “or cottage community” after “community” and before
287 “for a rental agreement”;

288 By adding, in line 17, the words “or the cottage community owner” after “manufactured
289 housing community owner” and, in line 18, before “and contain the following notice”;

290 By adding, in line 22, the words “or cottage community” after “manufactured housing
291 community” and before “.”;

292 By adding, in line 57, the words “or cottage community” after “manufactured housing
293 community” and before “has certain rights”; and

294 By adding, in line 75, the words “or cottage community” after “manufactured housing
295 community” and, in line 76, before “known as _____ and located”.

296
297 SECTION 16. Section 32Q of chapter 140 of the General Laws, as appearing in the 2006
298 official edition, is hereby amended as follows:

299 By adding in the title the words “and cottage” after “Manufactured home” and before
300 “defined”

301 By striking “P”, in line 1, after the words “to thirty-two” and inserting in place thereof
302 “S”;

303 By adding at the end of the current section, after line 10, the following paragraph “As
304 used in sections thirty-two A to thirty-two S, inclusive, the word “cottage” shall mean a
305 structure, which is three hundred twenty or more square feet, and which is designed to be used as
306 a dwelling unit with or without a permanent foundation when connected to the required utilities,
307 and includes the plumbing, heating, air conditioning, and electrical systems contained therein.
308

309 SECTION 17. Section 32R of chapter 140 of the General Laws, as appearing in the 2006 official
310 edition, is hereby amended as follows:

311 By adding in the title the words “or cottage community” after “manufactured housing
312 community” and before “; home owners’ association”

313 By adding in subparagraph (a), in line 1, the words “or cottage community” after “A
314 manufactured housing community” and before “owner shall”;

315 By adding, in line 2, the words “or cottage community” after “manufactured housing
316 community” and before “of”;

317 By adding in subparagraph (b), in line 12, the words “or cottage community” after
318 “Before a manufactured housing community” and before “may be sold or leased”;

319 By adding in subparagraph (b), in line 23, the words “or cottage community” after
320 “manufactured housing community” and before “owner or operator”;

321 By adding in subparagraph (c), in line 32, the words “or cottage” after “manufactured
322 home” and before “owners residing”;

323 By adding in subparagraph (c), in line 59, the words “or cottage community” after
324 “community” and before “.”;

325 By adding in subparagraph (c), in line 72, the words “or cottage community” after
326 “housing community” and before “.”;

327 By striking out in subparagraph (d), in line 91, the word “owner” and inserting in place
328 thereof the words “or cottage community owner if the new owner continues to operate the
329 facility as a manufactured home community or cottage community”;

330 By adding in subparagraph (e), in line 93, the words “or cottage community” after
331 “community” and before “are not the successful purchaser”;

332 By adding in subparagraph (e), in line 101, the words “or cottage community” after
333 “manufactured housing community” and before “during the term of such lease.”;

334 By adding in subparagraph (f), in line 103, the words “or cottage community” after
335 “manufactured housing community” and before “is not required”; and

336 By adding in subparagraph (f), in line 107, the words “or cottage community” after
337 “manufactured housing community” and before “with at least four”.

338

339 SECTION 18. Section 32S of chapter 140 of the General Laws, as appearing in the 2006 official
340 edition, is hereby amended by adding, in line 7, the words “and cottage communities” after
341 “manufactured housing community” and before “.”.